

AMENDED IN SENATE MARCH 31, 2005

**SENATE BILL**

**No. 596**

**Introduced by Senator Bowen**  
(Coauthor: Assembly Member Hancock)

February 18, 2005

---

An act to add ~~Section 10105 to~~ *Chapter 2 (commencing with Section 10050) to Part 1 of Division 10 of the Elections Code*, relating to municipal elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 596, as amended, Bowen. ~~Municipal Elections: Voting Methods~~ *elections: voting methods.*

Existing law provides procedures for the nomination of candidates for elective offices in general law cities. It specifies the procedures for the conduct of the election, the canvass of ballots, and certification of persons elected to office. Related provisions require the holding of a runoff election if no candidate has been elected at the municipal election. It provides that a vacancy in an elective office may be filled by appointment, at a special election, or at the next regular municipal election, as specified.

This bill would provide that, notwithstanding any provision of law, ~~a city may elect officers or fill vacancies in elective offices by means of a method of cumulative voting, limited voting, choice voting, or instant runoff voting. The bill would require the Secretary of State to adopt regulations for the conduct of elections and the counting of ballots by each of these voting methods. It would permit a voting method authorized by this bill to be enacted by ordinance enacted by any of three specified ways, county, or district may conduct a local election using a preference voting method. This bill would also describe the preference voting method as it applies to both a single-candidate election and a multiple-candidate election.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 10105 is added to the Elections Code,~~  
2     ~~to read:~~

3     ~~10105. Notwithstanding any provision of law, a city may~~  
4     ~~elect officers or fill vacancies in elective offices by means of a~~  
5     ~~method of cumulative voting, limited voting, choice voting, or~~  
6     ~~instant runoff voting. The Secretary of State shall adopt~~  
7     ~~regulations for the conduct of elections and the counting of~~  
8     ~~ballots by each of these voting methods. A voting method~~  
9     ~~authorized by this section may be enacted by any of the~~  
10    ~~following ways:~~

11    ~~(a) By ordinance enacted by the legislative body of the city.~~

12    ~~(b) By approval of a proposition submitted to the voters at any~~  
13    ~~general or special election, without a petition therefor, by the~~  
14    ~~legislative body of the city.~~

15    ~~(c) By initiative ordinance adopted pursuant to Chapter 3~~  
16    ~~(commencing with Section 9200) of Division 9.~~

17    ~~SECTION 1. Chapter 2 (commencing with Section 10050) is~~  
18    ~~added to Part 1 of Division 10 of the Elections Code, to read:~~

19  
20            CHAPTER 2. PREFERENCE VOTING METHODS

21  
22    10050. (a) Any city, county, or district may conduct a local  
23    election using a preference voting method. The ballot shall allow  
24    voters to rank a number of choices in order of preference equal  
25    to the total number of candidates for each office. However, if the  
26    voting system, vote tabulation system, or similar or related  
27    equipment used by the city, county, or district cannot feasibly  
28    accommodate choices equal to the total number of candidates  
29    running for each office, then the elections official administering  
30    the election may limit the number of choices a voter may rank to  
31    no fewer than three if using the voting method enacted pursuant  
32    to Section 10051 and to two more than the number of seats to be  
33    filled if using the voting method enacted pursuant to Section  
34    10052. The ballot shall in no way interfere with a voter's ability  
35    to cast a vote for write-in candidates.

1     ***(b) A voting method authorized by this section may be enacted***  
2 ***by any of the following ways:***

3     ***(1) By ordinance enacted by the governing body of the city,***  
4 ***county, or district.***

5     ***(2) By approval of a ballot measure submitted to the voters by***  
6 ***the governing body of the city, county, or district at an election***  
7 ***pursuant to Division 9 (commencing with Section 9000).***

8     ***(3) By initiative ordinance or charter amendment adopted***  
9 ***pursuant to Division 9 (commencing with Section 9000).***

10    ***(c) Any city, county, or district using a preference voting***  
11 ***method shall conduct a voter education campaign to familiarize***  
12 ***voters with this method of voting.***

13    ***10051. A voting method enacted pursuant to Section 10050***  
14 ***for an election to elect a single candidate to office shall be***  
15 ***conducted in the following manner:***

16    ***(a) For the purposes of this section: (1) a candidate shall be***  
17 ***deemed “continuing” if the candidate has not been eliminated,***

18 ***(2) a ballot shall be deemed “continuing” if it is not exhausted,***

19 ***(3) a ballot shall be deemed “exhausted,” and not counted in***  
20 ***further stages of the tabulation, if all of the choices have been***  
21 ***eliminated or there are no more choices indicated on the ballot.***

22 ***If a ballot gives equal rank to two or more candidates, the ballot***  
23 ***shall be declared exhausted when such multiple rankings are***  
24 ***reached. If a voter casts a ballot but skips a rank, the voter’s vote***  
25 ***shall be transferred to that voter’s next ranked choice.***

26    ***(b) If a candidate receives a majority of the first choices, that***  
27 ***candidate shall be declared elected. If no candidate receives a***  
28 ***majority, the candidate who received the fewest first choices***  
29 ***shall be eliminated and each vote cast for that candidate shall be***  
30 ***transferred to the next ranked candidate on that voter’s ballot. If,***  
31 ***after this transfer of votes, any candidate has a majority of the***  
32 ***votes from the continuing ballots, that candidate shall be***  
33 ***declared elected.***

34    ***(c) If no candidate receives a majority of votes from the***  
35 ***continuing ballots after a candidate has been eliminated and his***  
36 ***or her votes have been transferred to the next ranked candidate,***  
37 ***the continuing candidate with the fewest votes from the***  
38 ***continuing ballots shall be eliminated. All votes cast for that***  
39 ***candidate shall be transferred to the next ranked continuing***  
40 ***candidate on each voter’s ballot. This process of eliminating***

1 candidates and transferring their votes to the next ranked  
2 continuing candidates shall be repeated until a candidate  
3 receives a majority of the votes from the continuing ballots.

4 (d) If the total number of votes of the two or more candidates  
5 credited with the lowest number of votes is less than the number  
6 of votes credited to the candidate with the next highest number of  
7 votes, those candidates with the lowest number of votes shall be  
8 eliminated simultaneously and their votes transferred to the next  
9 ranked continuing candidate on each ballot in a single counting  
10 operation.

11 (e) A tie between two or more candidates shall be resolved in  
12 accordance with Article 1 (commencing with Section 15650) of  
13 Chapter 10 of Division 15.

14 10052. A voting method enacted pursuant to Section 10050  
15 for an election to elect two or more candidates to office shall be  
16 conducted in the following manner:

17 (a) For the purposes of this section: (1) a candidate shall be  
18 deemed "continuing" if the candidate has not been eliminated or  
19 elected, (2) a ballot shall be deemed "continuing" if it is not  
20 exhausted, and (3) a ballot shall be deemed "exhausted," and  
21 not counted in further stages of the tabulation, if all of the  
22 choices have been eliminated or elected or there are no more  
23 choices indicated on the ballot. If a ballot gives equal rank to two  
24 or more candidates, the ballot shall be declared exhausted when  
25 such multiple rankings are reached. If a voter casts a ballot but  
26 skips a rank, the voter's vote shall be transferred to that voter's  
27 next ranked choice.

28 (b) Each candidate that receives the minimum threshold of  
29 votes necessary to be elected shall be declared elected. The  
30 minimum threshold of votes necessary to be elected shall be  
31 determined by dividing the total number of votes cast for that  
32 office by one more than the number of offices to be filled and  
33 then adding one vote as shown in the following formula:

34  
35 
$$\text{Total number of votes cast, divided by sum of one plus number of}$$
  
36 
$$\text{offices to be filled, plus one, equals minimum threshold of votes}$$
  
37 
$$\text{necessary to be elected}$$

38  
39 If no candidate receives the minimum threshold of votes  
40 necessary to be elected, the candidate who received the fewest

1 *first choices shall be eliminated and each vote cast for that*  
 2 *candidate shall be transferred to the next ranked candidate on*  
 3 *that voter's ballot. If, after this transfer of votes, any candidate*  
 4 *has the minimum threshold of votes necessary to be elected from*  
 5 *the continuing ballots, that candidate shall be declared elected.*

6 *If no candidate receives the minimum threshold of votes*  
 7 *necessary to be elected from the continuing ballots after a*  
 8 *candidate has been eliminated and his or her votes have been*  
 9 *transferred to the next ranked candidate, the continuing*  
 10 *candidate with the fewest votes from the continuing ballots shall*  
 11 *be eliminated. All votes cast for that candidate shall be*  
 12 *transferred to the next ranked continuing candidate on each*  
 13 *voter's ballot. This process of eliminating candidates and*  
 14 *transferring their votes to the next ranked continuing candidate*  
 15 *shall be repeated until a candidate receives the minimum*  
 16 *threshold of votes necessary to be elected from the continuing*  
 17 *ballots.*

18 *(c) Once a candidate receives the minimum threshold of votes*  
 19 *necessary to be elected, any votes that candidate has received in*  
 20 *excess of the minimum threshold of votes necessary to be elected*  
 21 *shall be redistributed among the other continuing candidates as*  
 22 *follows: the second choices indicated on all of the ballots where*  
 23 *the first choice was the elected candidate shall be redistributed*  
 24 *according to a transfer value. The transfer value shall be*  
 25 *determined by dividing the surplus votes cast for the elected*  
 26 *candidate by the total number of votes received by the elected*  
 27 *candidate as shown in the following formula:*

28  
 29 *Surplus votes cast for the elected candidate, divided by total*  
 30 *number of votes received by the elected candidate, equals the*  
 31 *transfer value*

32  
 33 *(d) If two or more candidates on the first count receive more*  
 34 *than the minimum threshold of votes necessary to be elected, all*  
 35 *of those candidates shall be declared elected. Among these*  
 36 *candidates, the second choices indicated on all of the ballots of*  
 37 *the candidate who receives the largest number of first choice*  
 38 *votes, or the next available choice if the second preference*  
 39 *candidate has already been elected, shall be redistributed at the*  
 40 *transfer value to continuing candidates. This process shall be*

1 repeated for the ballots of any other elected candidate in the  
2 order of the number of first-choice votes each candidate  
3 received.

4 (e) If a candidate receives more than the minimum threshold  
5 of votes necessary to be elected as the consequence of a  
6 redistribution of surplus votes from a previously elected  
7 candidate, the number of votes in excess of the minimum  
8 threshold of votes necessary to be elected shall be redistributed  
9 to the continuing candidates. This redistribution shall be to the  
10 next available choice shown on each of the elected candidate's  
11 ballots. The transfer value for the ballots on which the candidate  
12 was the first choice shall be the same as the transfer value  
13 defined in subdivision (c). The transfer value for each ballot  
14 transferred to the candidate from one or more previously elected  
15 candidates shall be the surplus votes cast for the elected  
16 candidate divided by the total number of votes received by the  
17 elected candidate multiplied by the transfer value of the votes  
18 received pursuant to the redistribution of the surplus votes from  
19 a previously elected candidate as shown in the following  
20 formula:

21  
22 *Surplus votes cast for the elected candidate, divided by total*  
23 *number of votes received by the elected candidate, multiplied by*  
24 *the transfer value of the votes received from a previously elected*  
25 *candidate*

26  
27 (f) If no candidate receives more than the minimum threshold  
28 of votes necessary to be elected as the consequence of a  
29 redistribution of surplus votes from a previously elected  
30 candidate, the candidate with the smallest number of votes shall  
31 be eliminated. All of that eliminated candidate's votes—both first  
32 choice votes and any votes received from a previously elected  
33 candidate's surplus at the transfer value—shall be transferred to  
34 the continuing candidates according to the next available choice  
35 shown on the eliminated candidate's ballots. The eliminated  
36 candidate's first choice votes shall be transferred to the second,  
37 or next available, choice at full value. Votes received from  
38 previously elected or eliminated candidates shall be transferred  
39 at the transfer value at which the votes were received.

1     (g) *Tabulation of votes shall continue in the following*  
2     *sequence:*

3     (1) *The surplus votes of elected candidates shall be*  
4     *redistributed until no more candidates receive the minimum*  
5     *threshold of votes necessary to be elected.*

6     (2) *The votes of eliminated candidates are redistributed until*  
7     *another candidate receives the minimum threshold of votes*  
8     *necessary to be elected.*

9     (3) *When all but one of the candidates to be elected has*  
10    *received the minimum threshold of votes necessary to be elected,*  
11    *and only two candidates are continuing, the candidate with the*  
12    *most votes is declared elected, whether or not that candidate has*  
13    *received the minimum threshold of votes necessary to be elected.*

14    (h) *A tie between two or more candidates shall be resolved in*  
15    *accordance with Article 1 (commencing with Section 15650) of*  
16    *Chapter 10 of Division 15.*